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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**
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12 EPIC GAMES, INC.,

13 Plaintiff,

14 vs.

15 APPLE INC.,

16 Defendant.

Case No. 4:20-CV-05640-YGR

**[PROPOSED] ORDER GRANTING
COUNTER-DEFENDANT EPIC GAMES,
INC.'S MOTION FOR JUDGMENT ON
THE PLEADINGS**

Date: November 10, 2020 at 2:00 p.m.

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

18 APPLE INC.,

19 Counterclaimant,

20 vs.

21 EPIC GAMES, INC.,

22 Counter-Defendant.
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1 This matter is before the Court on Counter-Defendant Epic Games, Inc.'s ("Epic") Motion
2 for Judgment on the Pleadings on certain Counterclaims of Counterclaimant Apple Inc.
3 ("Apple"). The Court, having considered all of the papers submitted by the parties and the
4 relevant authorities, hereby **GRANTS** Epic's Motion in its entirety. Apple's claim for Intentional
5 Interference with Prospective Economic Advantage (Count IV) and its claim for Conversion
6 (Count V) each fails to state a claim on which relief may be granted, and so must be dismissed.
7 Because Apple does not plead any tortious conduct by Epic, its requests for punitive damages
8 also must be dismissed.

9 **IT IS THEREFORE ORDERED** that Apple's counterclaims for Intentional Interference
10 with Prospective Economic Advantage (Count IV) and Conversion (Count V) are hereby
11 **DISMISSED WITH PREJUDICE.**

12 **IT IS FURTHER ORDERED** that Apple's requests for punitive damages are also
13 **DISMISSED WITH PREJUDICE.**

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15 **IT IS SO ORDERED.**

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17 Dated: _____, 2020 at ____ a.m./p.m.

18 _____
19 Hon. Yvonne Gonzalez Rogers
20 United States District Judge
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